

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, December 19, 2013  
Place: Department B – Courtroom #12  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:  
  
Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:  
  
If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:  
  
If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:  
  
If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

**9:00 A.M.**

1. [13-17341](#)-B-11 HOWARD SAGASER  
KDG-4  
HOWARD SAGASER/MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
OST 12/9  
  
MOTION TO ASSUME LEASE OR  
EXECUTORY CONTRACT AND/OR  
MOTION TO SELL FREE AND CLEAR  
OF LIENS  
12-9-13 [[51](#)]
2. [13-17341](#)-B-11 HOWARD SAGASER  
MPP-2  
WANGER JONES HELSLEY, PC/MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
CARL GRUMER/Atty. for mv.  
  
MOTION TO APPROVE STIPULATION  
FOR RELIEF FROM THE AUTOMATIC  
STAY  
12-5-13 [[41](#)]
3. [13-17297](#)-B-11 MARIA PEDRO  
  
THOMAS GILLIS/Atty. for dbt.  
  
CHAPTER 11 STATUS CONFERENCE  
11-20-13 [[18](#)]
4. [13-17297](#)-B-11 MARIA PEDRO  
TOG-2  
MARIA PEDRO/MV  
THOMAS GILLIS/Atty. for dbt.  
  
FINAL HEARING RE: MOTION TO USE  
CASH COLLATERAL  
11-14-13 [[4](#)]

10:00 A.M.

1. [13-16202](#)-B-7 CHHOEUN GOV  
TMT-1  
TRUDI MANFREDO/MV  
  
EVGENII SVERDLOV/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.  
RESPONSIVE PLEADING  
  
MOTION TO DISMISS CASE AND/OR  
MOTION TO EXTEND TIME FOR  
FILING OBJECTIONS TO DISCHARGE  
AND MOTIONS TO DISMISS  
11-21-13 [[12](#)]
2. [12-19215](#)-B-7 FRANK FARIA  
LRP-3  
CRAIG FRY/MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
  
MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF LANG, RICHERT AND  
PATCH FOR CRAIG B. FRY, SPECIAL  
COUNSEL(S),  
11-22-13 [[62](#)]
3. [13-13115](#)-B-7 GREGORY/TARYN WILLIAMS  
RR-2  
GREGORY WILLIAMS/MV  
RANDY RISNER/Atty. for dbt.  
  
MOTION TO AVOID LIEN OF  
AUTOMOTIVE FINANCE CORPORATION  
11-14-13 [[51](#)]

**The motion will be denied. It appears from the evidence submitted that the debtors did not hold any interest in the subject property prior to the time the judgment lien was recorded. See *Farrey v. Sanderfoot*, 500 U.S. 291, 11 S.Ct. 1825 (1991). No appearance is necessary.**

4. [13-13115](#)-B-7 GREGORY/TARYN WILLIAMS  
RR-3  
GREGORY WILLIAMS/MV  
RANDY RISNER/Atty. for dbt.  
  
MOTION TO AVOID LIEN OF DEALER  
SERVICES CORPORATION  
11-14-13 [[55](#)]

**The motion will be denied. It appears from the evidence submitted that the debtors did not hold any interest in the subject property prior to the time the judgment lien was recorded. See *Farrey v. Sanderfoot*, 500 U.S. 291, 11 S.Ct. 1825 (1991). No appearance is necessary.**

5. [13-13115](#)-B-7 GREGORY/TARYN WILLIAMS  
RR-4  
GREGORY WILLIAMS/MV  
  
RANDY RISNER/Atty. for dbt.  
  
MOTION TO AVOID LIEN OF STATE  
OF CALIFORNIA, EMPLOYMENT  
DEVELOPMENT DEPARTMENT  
11-14-13 [[59](#)]

**The motion will be denied. It appears from the evidence submitted that the debtors did not hold any interest in the subject property prior to the time the judgment lien was recorded. See *Farrey v. Sanderfoot*, 500 U.S. 291, 11 S.Ct. 1825 (1991). No appearance is necessary.**

6. [12-18821](#)-B-7 GUILLERMO SANCHEZ MOTION TO SELL  
TMT-1 11-20-13 [[32](#)]  
TRUDI MANFREDO/MV  
TRUDI MANFREDO/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

7. [13-10141](#)-B-7 LINDA WALKER MOTION TO COMPROMISE  
TGM-2 CONTROVERSY/APPROVE SETTLEMENT  
SHERYL STRAIN/MV AGREEMENT WITH RENAYE ANN  
LAURENCE  
11-21-13 [[38](#)]  
  
STEPHEN LABIAK/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

8. [11-11458](#)-B-7 RAY BARNES AND LORA MOTION FOR APPROVAL OF THE  
SAS-2 NUNES-BARNES AMENDED CLAIMS PROPOSED  
SHERYL STRAIN/MV DISTRIBUTION  
11-15-13 [[80](#)]  
  
PETER BUNTING/Atty. for dbt.  
THOMAS ARMSTRONG/Atty. for mv.

**This matter will be continued to January 30, 2014, at 10:00 a.m. The trustee is essentially requesting permission to correct or amend the final report that was filed on September 13, 2013. However, the trustee has not filed a corrected final report for the court to approve. The trustee shall file and serve a corrected final report, with appropriate approval from the U.S. Trustee if necessary, and notice of the continued hearing, by January 16, 2014. The court will prepare a minute order. No appearance is necessary.**

9. [13-16562](#)-B-7 SCOTT YORK MOTION TO DISMISS CASE  
TMT-1 11-20-13 [[13](#)]  
TRUDI MANFREDO/MV  
ANDREW MAGWOOD/Atty. for dbt.  
TRUDI MANFREDO/Atty. for mv.  
RESPONSIVE PLEADING

10. [13-13472](#)-B-7 MICHAEL/KAREN DEMEUSY

TRUDI MANFREDO/MV

JAMES MILLER/Atty. for dbt.

DAVID JENKINS/Atty. for mv.

OBJECTION BY TRUSTEE TO AMENDED  
SCHEDULE C

9-23-13 [[29](#)]

**The trustee's objection has been withdrawn. No appearance is necessary.**

10:30 A.M.

1. [13-16532](#)-B-7 MARIA DOMINGUEZ  
CJO-1  
GREEN TREE SERVICING LLC/MV  
THOMAS GILLIS/Atty. for dbt.  
CHRISTINA O/Atty. for mv.  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
12-3-13 [[12](#)]
2. [13-17435](#)-B-7 ROSA ALCARAZ  
MET-1  
BANK OF THE WEST/MV  
STEPHEN LABIAK/Atty. for dbt.  
MARY TANG/Atty. for mv.  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
12-5-13 [[12](#)]
3. [13-16745](#)-B-7 MOHAMMED ALQUTAMI  
KWL-1  
KINGS FEDERAL CREDIT UNION/MV  
JANINE ESQUIVEL/Atty. for dbt.  
KEITH LUSK/Atty. for mv.  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-12-13 [[12](#)]

**This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.**

4. [13-15554](#)-B-7 RICHARD/KAYING ELMER  
TVL-2  
LANDVALUE 77, LLC/MV  
RICHARD WHEELER/Atty. for dbt.  
TIMOTHY LOGOLUSO/Atty. for mv.  
DISCHARGED

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-19-13 [[39](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be denied as moot as to the debtor(s) because their discharge has been entered. The motion will be granted for cause shown as to the chapter 7 trustee. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.

5. [13-16470](#)-B-7 LUIS CRUZ  
KCR-1  
KEN ENGLE/MV  
ERIC ESCAMILLA/Atty. for dbt.  
KEITH RICKELMAN/Atty. for mv.  
AMENDED MOTION 12/6

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
10-31-13 [[21](#)]

This motion for relief from stay was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted without oral argument for cause shown. The automatic stay is terminated as it applies to the movant's right to enforce its remedies against the subject property under applicable nonbankruptcy law. The proposed order shall specifically describe the property or action to which the order relates. If the motion involves a foreclosure of real property in California, then the order shall also provide that the bankruptcy proceeding has been finalized for purposes of Cal. Civil Code § 2923.5. If the notice and motion requested a waiver of Rule 4001(a)(3), that relief will be granted. *Unless the court expressly orders otherwise, the proposed order shall not include any other relief.* If the prayer for relief includes a request for adequate protection, and/or a request for an award of attorney fees, those requests will be denied without prejudice. Adequate protection is unnecessary in light of the relief granted herein. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law, must be separately noticed and separately briefed with appropriate legal authority and supporting documentation. No appearance is necessary.



11:00 A.M.

1. [13-15708](#)-B-7 JAMES/BARBARA MYERS REAFFIRMATION AGREEMENT WITH  
SNAP-ON CREDIT LLC  
11-20-13 [[25](#)]

DAVID JENKINS/Atty. for dbt.

The court intends to deny approval of this reaffirmation agreement. Both the reaffirmation agreement and the bankruptcy schedules show that reaffirmation of this debt creates a presumption of undue hardship which has not been rebutted in the reaffirmation agreement. No appearance is necessary.

2. [13-16742](#)-B-7 SHAWN/KARLENE GROGAN PRO SE REAFFIRMATION AGREEMENT  
WITH FRESNO COUNTY FEDERAL  
CREDIT UNION  
11-26-13 [[20](#)]

1:30 P.M.

1. [13-10002](#)-B-13 SANDRA HARRIS  
DRJ-4  
SANDRA HARRIS/MV

OBJECTION TO CLAIM OF RICHARD  
YAHNIAN CONSTRUCTION, CLAIM  
NUMBER 6  
10-30-13 [[44](#)]

DAVID JENKINS/Atty. for dbt.

**The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim will be disallowed in full, or in part, on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.**

2. [13-15258](#)-B-13 LENNEL/BELINDA EARL  
MDE-1  
JPMORGAN CHASE BANK, N.A./MV  
KARNEY MEKHITARIAN/Atty. for dbt.  
MARK ESTLE/Atty. for mv.

MOTION TO APPROVE LOAN  
MODIFICATION  
11-19-13 [[32](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtor(s) to enter into a modification agreement on terms to be negotiated between the debtor(s) and the mortgagee so long as modification of the mortgage does not interfere with the debtor(s) duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.**

3. [13-15768](#)-B-13 RICHARD/JANET SOESMAN  
PBB-1  
RICHARD SOESMAN/MV

MOTION TO AVOID LIEN OF  
ACCOUNTS RECEIVABLE COLLECTION  
SERVICES, INC.  
11-15-13 [[21](#)]

PETER BUNTING/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

4. [13-15768](#)-B-13 RICHARD/JANET SOESMAN  
PBB-2  
RICHARD SOESMAN/MV

MOTION TO AVOID LIEN OF STATE  
OF CALIFORNIA EMPLOYMENT  
DEVELOPMENT DEPARTMENT  
11-15-13 [[27](#)]

PETER BUNTING/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

5. [13-15871](#)-B-13 DOMENICO FERRUA AND  
VC-1 SHAWNA GILES  
TOP FINANCE CO., INC./MV  
PETER FEAR/Atty. for dbt.  
MICHAEL VANLOCHEM/Atty. for mv.  
RESPONSIVE PLEADING

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
10-22-13 [[31](#)]

**Based on the plaintiff's representation that a settlement agreement is being negotiated, this matter will be continued to January 9, 2014, at 1:30 p.m. The parties may stipulate to further continuance if one is necessary. The court will prepare a minute order. No appearance is necessary.**

6. [10-17390](#)-B-13 DAVID/BEVERLY HANES  
PLF-7  
DAVID HANES/MV  
PETER FEAR/Atty. for dbt.

MOTION TO APPROVE LOAN  
MODIFICATION  
11-20-13 [[93](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument. The court does not approve or disapprove the terms of a mortgage modification outside of a chapter 13 plan. See *In re Wofford*, 449 B.R. 362 (Bankr. W.D. Wis. 2011). However, the court will authorize the debtor(s) to enter into a modification agreement on terms to be negotiated between the debtor(s) and the mortgagee so long as modification of the mortgage does not interfere with the debtor(s) duties and trustee's administration of the chapter 13 plan. The moving party shall submit a proposed order. No appearance is necessary.**

7. [13-15896](#)-B-13 KAREN SHARPE  
BCS-1  
BENJAMIN SHEIN/MV

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF SHEIN LAW GROUP,  
PC FOR BENJAMIN C. SHEIN,  
DEBTOR'S ATTORNEY(S),  
11-20-13 [[18](#)]

BENJAMIN SHEIN/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

8. [13-15897](#)-B-13 KERMIT/GERALDINE  
BCS-1 ALEXANDER  
BENJAMIN SHEIN/MV

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF SHEIN LAW GROUP,  
PC FOR BENJAMIN C. SHEIN,  
DEBTOR'S ATTORNEY(S)  
11-20-13 [[20](#)]

BENJAMIN SHEIN/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

9. 13-16616-B-13 JOE BOSS  
HTP-2  
UNITED SECURITY BANK/MV

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY UNITED  
SECURITY BANK  
11-26-13 [ 36 ]

SCOTT LYONS/Atty. for dbt.  
HANNO POWELL/Atty. for mv.

**This matter will be continued to January 9, 2014, at 1:30 p.m. The court will prepare a minute order. No appearance is necessary.**

2:00 P.M.

1. [11-12668](#)-B-13 ALVINA FISCHER  
MHM-3  
MICHAEL MEYER/MV

MOTION TO DISMISS CASE FOR  
UNREASONABLE DELAY THAT IS  
PREJUDICIAL TO CREDITORS AND/OR  
MOTION TO DISMISS CASE  
11-21-13 [[94](#)]

NANCY KLEPAC/Atty. for dbt.  
RESPONSIVE PLEADING

**The debtor has now employed counsel to respond to the issues raised in the trustee's motion, therefore this matter will be continued to January 30, 2014, at 1:30 p.m. The debtor shall file a status report regarding resolution of the mortgage arrearage claim. The court will prepare a minute order. No appearance is necessary.**